

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2007-68
March 20, 2007

SUBJECT: Delegation of Personnel, Procurement, and Rulemaking Authority to the Director of the Department on Disability Services

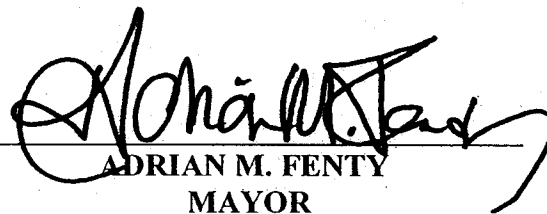
ORIGINATING AGENCY: Office of the Mayor

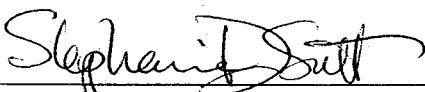
By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) (2001 Repl.), and section 106 (d) and (e) of the Department on Disability Services Establishment Emergency Act of 2006, effective December 28, 2006, D.C. Act 16-672, 54 DCR 1155, it is hereby **ORDERED** that:

1. **DELEGATION OF PERSONNEL AUTHORITY:** The Director of the Department on Disability Services ("DDS") is delegated all personnel authority for the agency, and shall exercise that personnel authority independent of the Department of Human Resources but otherwise fully consistent with the District of Columbia Government Comprehensive Merit Personnel Act of 1978, as amended, effective March 3, 1979, D.C. Law 2-139, D.C. Official Code § 1-601.01 *et seq.* (2001 Repl.).
2. **DELEGATION OF PROCUREMENT AUTHORITY:** The Director of DDS is delegated all procurement authority for the agency, and shall exercise that procurement authority independent of the Office of Contracting and Procurement but otherwise fully consistent with the District of Columbia Procurement Practices Act of 1985, as amended, effective February 21, 1986, D.C. Law 6-85, D.C. Official Code § 2-301.01 *et seq.* (2001 Repl.).
3. **DELEGATION OF RULEMAKING AUTHORITY:** The Director of DDS is delegated all rulemaking authority for the agency, and shall exercise that rulemaking authority fully consistent with Title I of the District of Columbia Administrative Procedure Act, as amended, approved October 21, 1968, Pub. L. 90-614, D.C. Official Code § 2-501 *et seq.* (2001 Repl.).
4. **FURTHER DELEGATION:** The Director of DDS shall have the authority to further delegate to subordinate agency employees the personnel and procurement authority, but not the rulemaking authority, delegated by this Order.
5. **REPEAL OF PRIOR ORDERS:** This Order supersedes any prior Mayor's Order to the extent of any inconsistency.

(2)

6. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2007.


ADRIAN M. FENTY
MAYOR

ATTEST: 
STEPHANIE D. SCOTT
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL

2007 MAR 20 PM 3:12

Legal Counsel Division



A handwritten signature, likely of the Deputy Attorney General, is written over the date stamp.

MEMORANDUM

TO: Mark D. Back
Acting General Counsel
Department on Disability Services

FROM: Wayne C. Witkowski
Deputy Attorney General
Legal Counsel Division

DATE: March 14, 2007

SUBJECT: Legal Sufficiency Review of Draft Mayor's Order Delegating
Personnel, Procurement and Rulemaking Authority to the Director of
the Department of Disability Services
(AM-07-163)

This responds to your March 13, 2007 e-mail by which you transmitted the above-referenced draft Mayor's Order (Order) to this Office for a legal sufficiency review.

The Order will delegate, *nunc pro tunc* to January 2, 2007, personnel, procurement, and rulemaking authority for the Department on Disability Services (DDS) to the Director of DDS. The Order will also authorize the Director, DDS to further delegate the personnel and procurement authority to subordinate DDS employees.

The Order is authorized by section 422 (6) of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, D.C. Official Code § 1-204.22 (6) (2001 Repl.), and by section 106 (d) and (e) of the Department on Disability Services Establishment Emergency Act of 2006 (DDS Act), effective December 28, 2006, D.C. Act 16-672, 54 DCR 1155.

As you will note on the attached electronic mark-up of the Order, I have revised the preamble of the Order to reflect the additional authority of the DDS Act and its pending permanent version. Consistent with your stated intent, I have added language in paragraph 4 of the Order that specifically states that the Director is not authorized to sub-delegate rulemaking authority for DDS. I have also made editorial revisions to the Order to reflect correct citation formats.

The Order has been reviewed and approved by the Office of Documents and Administrative Issuances as compliant with District formatting requirements. As revised,

the Order is legally sufficient. I will send you a copy of the electronic mark-up by e-mail.

Should you have questions regarding this memorandum, please contact either Pollie H. Goff, Senior Assistant Attorney General, at 724-5558, or me at 724-5524.

WCW/phg

Attachment